

ORDINANCE NO. 2026-____
AN ORDINANCE ESTABLISHING A TEMPORARY, STRATEGIC MORATORIUM ON
APPLICATIONS FOR DATA CENTER PROJECTS IN
VERMILLION COUNTY, INDIANA

WHEREAS, the Board of Commissioners of Vermillion County, Indiana, as the executive and legislative body of Vermillion County, has the authority to adopt ordinances relating to the administration of Vermillion County government.

WHEREAS, the Board of Commissioners seeks to foster desirable growth in Vermillion County in an orderly and well-considered manner.

WHEREAS, in April 2025, the newly established Vermillion County Unified Development Ordinance became effective; however the County's current Unified Development Ordinance was adopted without contemplation that the County would become a candidate location for data centers of the scale and intensity now under consideration, and as a result the existing zoning districts, use classifications, and performance standards do not adequately address the impacts particular to such a use.

WHEREAS, the Vermillion County Area Plan Commission and Vermillion County Board of Commissioners are authorized by Indiana Code 36-7-4-601 to adopt zoning and land use regulations to secure adequate light, air, convenience of access, and safety from fire, flood, and other danger; to lessen or avoid congestion in public ways; to promote the public health, safety, comfort, morals, convenience and general welfare; and to otherwise accomplishing the purposes of Indiana Code 36-7-4, et seq.

WHEREAS, the Vermillion County Area Plan Commission and the Vermillion County Board of Commissioners are interested in preventing negative economic impacts to any area in Vermillion County caused by industrial or utility project.

WHEREAS, the Vermillion County Area Plan Commission and Vermillion County Board of Commissioners are interested in protecting the county's ground water and surface water; especially to preserve clean drinking water, availability of clean water for agricultural uses, and assure existing wells don't go dry unnecessarily.

WHEREAS, the Vermillion County Area Plan Commission and Vermillion County Board of Commissioners are interested in protecting farmland and the natural environment, including the endangered Indiana Bat.

WHEREAS, Vermillion County is experiencing interest in developing one or more data centers in and around the Vermillion Rise Mega Park, and the Rise Board is actively pursuing means to permit such land uses.

WHEREAS, the Vermillion County Area Plan Commission and the Vermillion County Board of Commissioners recognizes that data centers can offer significant capital investment, many construction jobs, a modest number of permanent jobs, and other economic development opportunities; and they also can present unique and substantial challenges regarding stability of the electrical grid, water resource consumption, persistent low-frequency noise, and community infrastructure.

WHEREAS, the Vermillion County Area Plan Commission and the Vermillion County Board of Commissioners has encountered significant conflicting and evolving information regarding data centers and needs time to study that information to determine which are true facts, and which are rumor, obsolete information, or fabrications.

WHEREAS, jurisdictions across the United States that have permitted data centers have reported minor to major adverse subsequent impacts including, but not limited to, noise pollution and low-frequency noise, air pollution and degradation of ambient air quality, vibration, odor, extreme water usage, consequential wastewater discharges, contamination of drinking water sources, soil contamination, adverse impacts to flora and fauna, electronic and general waste management burdens, light pollution, increased burden on roads and public infrastructure, increased utility costs borne by the surrounding community, and diminished property values.

WHEREAS, some, if not many, of the adverse impacts of data centers have been substantially mitigated in other jurisdictions through the timely adoption of performance standards, siting criteria, and operational requirements tailored to the specific characteristics of such uses.

WHEREAS, the Vermillion Rise Mega Park might be an acceptable location for a data center, but a study of how that can be accomplished while protecting the county's residents hasn't been established or fully vetted.

WHEREAS, the Vermillion County Area Plan Commission has contracted with a professional urban planning firm to facilitate a process with a nine-member steering committee made up of county leaders and citizens to establish guardrails for potential data center projects; specifically to guide reasonable zoning and land use regulations for potential future data center projects.

WHEREAS, the Vermillion County Area Plan Commission has contracted with a professional urban planning firm to prepare an official text amendment to Vermillion County's Unified Development Ordinance based on the steering committee's input and guidance, and based on enabling legislation.

WHEREAS, the Vermillion County Area Plan Commission and the Vermillion County Board of Commissioners believe that a temporary strategic moratorium on the processing of applications related to the development of any data center projects is necessary to provide the time to study potential locations and draft appropriate regulations.

WHEREAS, the Vermillion County Area Plan Commission and the Vermillion County Board of Commissioners believes that a temporary strategic moratorium on the processing of applications related to the development of any data center projects is necessary for promoting the public health, safety, comfort, morals, convenience, and general welfare of the citizens of Vermillion County.

WHEREAS, adopting this moratorium ordinance will follow the statutory procedure outlined in Indiana Code 36-7-4-602(b), as the Vermillion County Area Plan Commission is initiating this zoning ordinance.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of Vermillion County, Indiana, that:

1. A temporary, strategic moratorium shall be enacted within Vermillion County, Indiana, for the filing of any new application related to any data center.
2. The strategic moratorium shall commence from the date this Ordinance is adopted by the Board of Commissioners of Vermillion County, which followed a public hearing and recommendation from the Vermillion County Area Plan Commission; and
3. Said temporary, strategic moratorium shall remain in place until September 17, 2027 or twelve (12) months from the effective date of this ordinance, at noon, whichever is greater. However, if the Vermillion County Unified Development Ordinance is successfully amended to incorporate reasonable zoning and land use regulations for data center projects, then upon the adoption of those data center regulations, the temporary, strategic moratorium shall immediately terminate upon their effective date; and
4. The Board of Commissioners requests that the Vermillion County Area Plan Commission study the potential for a data center in the Vermillion Rise Mega Park and evaluate potential positive and negative impacts; and
5. The Board of Commissioners officially requests that the Vermillion County Area Plan Commission address the aforementioned issues and the following concerns and considerations, and forward a certified draft of the proposed amendments to the Vermillion County Board of Commissioners for consideration and adoption:
 - A. Groundwater protection and private well guarantees.
 - B. Noise, including both dBA and low frequency dBC hums.
 - C. Residential setbacks and visual screening.
 - D. Light pollution.
 - E. Environmental protection.
 - F. Public engagement process.
 - G. Decommissioning plans with legal assurances.
 - H. Cooling system and water consumption limits.
 - I. Emergency and on-site power generation.
 - J. Process that approves a specific site plan and building design.
 - K. Performance requirements.
 - L. Clear tracking and enforcement process.

- M. Hazardous material, battery storage, and fire protections; and
6. Any prior Ordinances that conflict with this Ordinance are hereby repealed and replaced; and
 7. If any portion of this Ordinance is determined to be unconstitutional or in violation of state law by a court of competent jurisdiction, the remaining portions of this Ordinance shall continue in full force and effect; and
 8. This Ordinance shall become effective upon adoption and publication as required by law.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF VERMILLION
COUNTY, INDIANA, ON THIS, THE _____ DAY OF _____.

District 1, Misty Hess

District 2, Bill Peebles

District 3, RJ Dunavan

Attest:

Ron Dunavan, Auditor Vermillion County, Indiana